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9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. *2013-385*

12 **FLORA VISMONTÉ SULAPAT-KHO**
13 **11258 Pegasus Avenue**
14 **San Diego, CA 92126**

A C C U S A T I O N

15 **Registered Nurse License No. 730275**

16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about July 9, 2008, the Board of Registered Nursing issued Registered Nurse
24 License Number 730275 to Flora Vismonte Sulapat-Kho (Respondent). The Registered Nurse
25 License was in full force and effect at all times relevant to the charges brought herein and will
26 expire on May 31, 2014, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2761 of the Code states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

.....

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

(e) Making or giving any false statement or information in connection with the application for issuance of a certificate or license.

6. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

COSTS

7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

1 **FIRST CAUSE FOR DISCIPLINE**

2 (Disciplinary Action by Another California Health Care Professional Licensing Board)

3 8. Respondent has subjected her license to disciplinary action under Business and
4 Professions Code section 2761(a)(4) in that another California health care professional licensing
5 board disciplined a health care professional license held by Respondent.

6 The circumstances are as follows:

7 9. On or about December 5, 2010, in a prior disciplinary action entitled In the Matter of
8 the Accusation Against Flora V. Sulapat-Kho before the Board of Vocational Nursing and
9 Psychiatric Technicians, in Case Number VN-2006-77, Respondent's vocational nurse license
10 was surrendered to the Board of Vocational Nursing and Psychiatric Technicians and constituted
11 the imposition of discipline against Respondent for gross negligence, incompetence, and
12 unprofessional conduct. That decision is now final and is incorporated by reference as if fully set
13 forth.

14 **SECOND CAUSE FOR DISCIPLINE**

15 (Dishonesty-Making a False Statement of Fact Required to be Revealed on Renewal Application)

16 10. Respondent has subjected her license to disciplinary action under Business and
17 Professions Code section 2761(e) in that she gave a false statement or information in connection
18 with the application for issuance of her registered nurse license.

19 The circumstances are as follows:

20 11. On or about December 5, 2010, in a prior disciplinary action entitled In the Matter of
21 the Accusation Against Flora V. Sulapat-Kho before the Board of Vocational Nursing and
22 Psychiatric Technicians, in Case Number VN-2006-77, Respondent's license was surrendered to
23 the Board of Vocational Nursing and Psychiatric Technicians and constituted the imposition of
24 discipline against Respondent for gross negligence, incompetence, and unprofessional conduct.
25 That decision is now final and is incorporated by reference as if fully set forth.

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12. On or about March 20, 2012, Respondent completed a "Renewal Application Registered Nurse" in connection with the renewal of her registered nursing license. On that application, Respondent was asked "Since you last renewed your license, have you had any license disciplined by a Government agency or other disciplinary body..." In response, Respondent checked the box "NO."

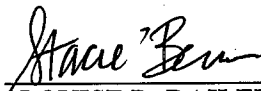
13. On or about July 1, 2010, Respondent signed a Stipulated Surrender of License and Order in Case Number VN-2006-77, referenced in paragraph 11, above, stating that she had carefully read the Stipulated Surrender of License and Order, fully discussed it with her attorney, and understood it and the effect it would have on her Vocational Nurse license. In the Stipulated Surrender of License and Order, it states that the "surrender of Respondent's Vocational Nurse License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent."

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 730275, issued to Flora Vismonte Sulapat-Kho;
2. Ordering Flora Vismonte Sulapat-Kho to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: NOVEMBER 9, 2012

for 
LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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